

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

VINCENT C. McGEE,	:	
Petitioner	:	CIVIL ACTION NO. 3:18-0904
v.	:	(JUDGE MANNION)
MARK CAPOZZA,	:	
Superintendent	:	
Respondent	:	

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS HEREBY**

ORDERED THAT:

1. Respondent's motion to dismiss the above captioned action as untimely (Doc. [15](#)) is **GRANTED**.
2. The above captioned petition for writ of habeas corpus is **DISMISSED** as untimely under the statute of limitations. See 28 U.S.C. §2244(d).
3. The Clerk of Court is directed to **CLOSE** this case.
4. There is no basis for the issuance of a Certificate of Appealability. See [28 U.S.C. §2253\(c\)](#).
5. Petitioner's motion to stay and hold in abeyance the above captioned action, pending the outcome of his motion in state court, pursuant to [Reeves v. Fayette SCI, 897 F.3d 154 \(3d Cir. 2018\)](#) (Doc. [21](#)) is **DISMISSED** without prejudice, in accordance with this Court's decision herein.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: August 14, 2019

18-0904-01-Order